

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
DOCKET NO. 3:16-cv-00848-FDW-DSC

CARGILL. INC., and CARGILL MEAT )  
SOLUTIONS, CORP., )

Plaintiffs, )

vs. )

WDS, INC., JENNIFER MAIER, and )  
BRIAN EWERT, )

Defendants. )

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ORDER

THIS MATTER is before the Court on Plaintiffs' Motion for Partial Summary Judgment (Doc. No. 194), Defendant Jennifer Maier's Motion for Summary Judgment (Doc. No. 197), and the Motion for Summary Judgment filed jointly by Defendants Brian Ewert and WDS, Inc. (Doc. No. 227). Also before the Court is Defendant Maier's Motion for Leave to File a Supplement (Doc. No. 293) to her motion for summary judgment. The parties have briefed all dispositive motions, and the Court has reviewed the pleadings, exhibits thereto, and applicable law. Although some parties requested oral argument, the Court declines this request because the parties' summation of facts and legal contentions are adequately presented in the materials before the Court, and argument would not aid the decisional process.

The Court DENIES all motions for summary judgment. It is clear from the pleadings, exhibits, and arguments to this Court, a material dispute exists as to which, if any, contracts, agreements, or other documents bound, if at all, any parties. The parties also present conflicting evidence of the terms and conditions for the purported agreement(s) at issue here. Similarly, both parties have presented evidence to show dispute of material facts related to Plaintiffs' tort claims.

In short, no party is entitled to judgment as a matter of law on any claim or defense at this juncture because the parties' opposing facts, interpretations of the dealings that transpired among them, and other evidence warrants resolution by a jury.

The Court notes it has twice rejected Maier's arguments concerning arbitration of a portion of claims in this matter, and her additional arguments on this issue in her motion for summary judgment continue to be unpersuasive to this Court.

IT IS THEREFORE ORDERED the parties' motions for summary judgment (Docs. Nos. 194, 197, 227) are DENIED. Defendant Maier's Motion to File a Supplement (Doc. No. 293) is DENIED.

IT IS SO ORDERED.

Signed: January 5, 2018

A handwritten signature in black ink, reading "Frank D. Whitney", is written over a horizontal line.

Frank D. Whitney  
Chief United States District Judge

